

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	Judge William T. Hart
v.)	
)	No. 02 CR 206-1
MARK HALL)	

**PARTIES' JOINT POSITION CONCERNING DEFENDANT'S SECOND
MOTION FOR A SENTENCE REDUCTION UNDER 18 U.S.C. § 3582(c)(2)**

Defendant MARK HALL, by the Federal Defender Program and its attorney MIANGEL C. CODY, respectfully files this Joint Position Concerning Mr. Hall's Second Motion for a Sentence Reduction, pursuant to 18 U.S.C. § 3582(c)(2). In so doing, Mr. Hall states as follows:

1. On January 26, 2010, the parties appeared before Your Honor for a status hearing, following a reversal and remand by the Seventh Circuit Court of Appeals. The Court instructed the parties to confer as to how to proceed in light of the appellate remand.¹

2. In light of the Court's instruction, the parties have conferred. Mr. Hall's position is that he is entitled to a two-point sentence reduction pursuant to Amendment 706 to Guideline § 2D1.1, as implemented through Section 3582(c)(2) of Title 18. In its prosecutorial discretion, the government does not oppose Mr. Hall's position.

3. Mr. Hall's **prior** guideline range was 262-327 months' imprisonment, based

¹ The Court also granted Mr. Hall leave to file a Reply brief within seven days of the status hearing and the government seven days to respond thereafter. Because his Second Motion for a Sentence Reduction is now unopposed, Mr. Hall and the government file the instant joint statement, in lieu of additional briefing.

upon an adjusted offense level of 37 and a criminal history category III. According to the Rule 11(c)(1)(C) plea agreement, in exchange for his willingness to cooperate and provide substantial assistance to the government, “the parties [] agreed that the sentence imposed by the Court shall include a term of imprisonment in the custody of the Bureau of Prisons of 50% of the low-end of the applicable sentencing guideline range.” (Doc. No. 55). Therefore, Mr. Hall’s previously imposed sentence was 131 months’ incarceration. (Doc. No. 57).

4. Because the government does not oppose Mr. Hall’s current motion for a two-point reduction to his offense level, his new adjusted offense level is 35. When combined with a criminal history category III, his amended guideline range is 210-262. As the terms of his plea agreement dictate, Mr. Hall must receive a sentence that is 50% of the low end of the new guideline range. **Therefore, a new sentence of 105 months’ incarceration is due.**

5. On February 1, 2010, undersigned counsel tendered a draft of this Joint Statement to the government, through Assistant United States Attorney Tiffany Tracy, for the government’s review. The government interposes no objection to this filing.

6. The parties agree that the instant motion may be resolved short of additional hearing and argument.

WHEREFORE, Mr. Hall (with no objection from the government) respectfully requests a reduction of his sentence to 105 months' incarceration by retroactive application of U.S.S.G. Appendix C, Amdt. 706 (as amended by Amdt. 711), 18 U.S.C. § 3582(c)(2), and U.S.S.G. § 1B1.10.

Respectfully submitted,
FEDERAL DEFENDER PROGRAM
Carol A Brook, Executive Director

By: /s/ MiAngel C. Cody
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CERTIFICATE OF SERVICE

The undersigned, MiAngel Cody, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CIV.P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

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was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on February 2, 2010, to counsel/parties that are non-ECF filers.

By: /s/ MiAngel Cody

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